

**NUTSEA General Session**  
**9:30 a.m. Monday, September 26, 2005**  
**Anchorage Hilton-Anchorage, Alaska**

Vice Chairman Jerry Franklin called to order the 63<sup>rd</sup> Annual Conference and welcomed everyone to the Conference and thanked Tom Johnston and the Alaska Power Association for hosting the event.

Franklin introduces TC Wilson, Alaska Power Association to provide the invocation.

Franklin then introduced Anchorage Mayor Mark Begich. Begich welcomed the group and provided some brief comments on Anchorage and the electric industry.

Franklin introduced the Color Guard from Kulis Air National Guard Base and the 176th Wing. The Color Guard posted the colors and led the group in the Pledge of Allegiance.

Franklin then identified the Parliamentarian as Jon Glazier and appointed the Sergeants of Arms as Rex Hobson, Fred Nelson and Thomas Kirby.

Franklin then shared video and pictures showing the devastation of Katrina Hurricane. Franklin announced that the monies from passing the hard hats would be donated to the states most affected by the Hurricane. The Sergeants of Arms passed the hard hats for monetary donations.

Bob Cooper provided the New Member Report. The following names were presented for Active Membership:

Doyle Tetty, TN	Ken Seger, IN	Harry Reeves, GA
Jim Cooper, AK	Steve Savon, OH	Steve Blake, OH
Tiffin Wortham, TX	Roy Stitcher, GA	Robert Umbarger, VA
Mark Carter, KY	Andy Croft, GA	Todd Craven, TX
Terry Ebnight, SD	Jammie Hull, MN	Michael Pitts, GA

The following individual applied for Active Membership from Associate status:

Louis Delaby, IL

The following individuals applied for Associate Membership:

David Horton, NH      Michael LaDue, PA      Robert Bryson, TX

Anthony Alotto, TX      Charles Tippett, VA

The following individuals applied for Honorary Membership:

Douglas Parker, PA      Vern Saylor, PA

After reporting a quorum was present, Franklin called for a motion that the individuals listed be accepted into membership in the NUTSEA organization. The motion was seconded and passed.

Franklin then introduced Eric Yould, Alaska Power Association's Executive Director. Yould provided some brief comments on the unique challenges Alaska presents to those in the electric industry. He welcomed the group and wished them a great conference.

Franklin then introduced Jeff King, the keynote speaker, who is a three-time Iditarod champion. King provided an entertaining presentation about life on the Iditarod trail.

Franklin announced that bylaw changes are posted which include three amendments.

Franklin then introduced Melissa Robokoff, the incoming Executive Secretary for NUTSEA.

There was a motion to adjourn until Wednesday afternoon. The motion was seconded and passed.

**NUTSEA General Session**  
**1:00 p.m. Wednesday, September 28, 2005**  
**Anchorage Hilton-Anchorage, Alaska**

I. Vice Chairman Jerry Franklin called the meeting to order and called on Vern Shearer for the invocation.

Franklin then thanked the conference sponsors and handed out door prizes. Conference sponsors included:

- The Marlin Company
- Federated Rural Electric Insurance Exchange
- IBEW 1547
- Energy & Resource Economics
- Cordova Electric Cooperative
- General Pacific

Franklin called for a quorum of the membership. Sergeant of Arms, Rex Hobson confirmed there was a quorum.

Franklin called on Bobbye Treadwell to read the minutes of previous meeting. There was a motion to dispense with the reading of the minutes. The motion was seconded and passed.

II. Committee Reports

a. Host Comte Report-Melissa Robokoff reported that 88 members, 5 non-members and 55 spouses registered for the Conference. There were 9 cancellations, 7 due to Hurricane Katrina. There were 3 no-shows and sponsorships equaled \$5500. About 100 people participated in Sunday's boat tour.

b. Operations & Rules Committee- Dennis Corcoran reported on bylaw changes . Corcoran identified posted changes and presented a motion from the Committee to adopt changes which include: Address change, Bond coverage and striking "secret ballot" from Article 9 and dissolution of SIP committee and program. The group seconded the motion and the motion passed.

c. Nominating Committee - Randy Lowe reported on the Committee's recommended nomination of slate of officers and directors:

Gayvin Strantz	3 year Director
Pat Whalen	3 year Director
Vernon Shearer	Treasurer
Mike Bird	Secretary
Bob Cooper	Vice Chairman
Jerry Franklin	Chairman

d. Resolutions Committee – Larry Baker, no report at this time

e. Safety Accreditation/RESAP- Ken Brubaker provided the following report:

The Rural Electric Safety Accreditation Program (RESAP) has 470 systems participating at this time. The type of participation comes because of the long history of promotion, coaching, and support of the many members and past members of the National Utility Training Safety Education Association (NUTSEA). This history of dedication to a national electric utility safety and loss prevention standards is the foundation of RESAP. May the future NUTSEA Members utilize this tool to continue this mission.

What is RESAP for the new members of NUTSEA?

- a. RESAP is a "Way of Life" for Electric Utilities. Safety Accreditation is awarded for 3 full calendar years of Safety and Loss Prevention activity.
- b. RESAP includes first an On-Site Inspection by a 3 person team. Being ready any day is the true spirit of the program and IA is testing that premise with unannounced observations as sort of a trial.
- c. RESAP's second step is a document audit. If a system does not document that it provided safety training for example, the system could find it difficult to prove that it was done.
- d. RESAP is successful in improving a system's program only if the system assesses the RESAP results and takes action to correct areas of deviation from these guidelines. Follow-up is this key.

RESAP Area Administrators Changes within the past year

- a. Current Chair Person of the Area Administrators is Sandy Leingang, WI
- b. Current Secretary of the Area Administrators is Mike Stamper, WI
- c. Position currently open - Wyoming
- d. Mike Bergeaux - LA (Buck Theriot's successor)
- e. Position(s) available – VT, NH, ME, OR, WA
- f. Thanks to all the Area Administrators

#### Delegate Changes

- a. Current Chair Person - Mike Bird, Federated Rural Electric Insurance Exchange
- b. Current Secretary - Robert Richhart, Hoosier Energy IN
- c. Milo Gilbertson, SD Director, Retired from this committee

#### RESAP Status

- a. Electronic Application Process work continues to eliminate bugs which users have found
- b. Distribution Electronic Process still parallels the paper process with a final stretch of feedback from the field testing
- c. Both the G&T application and on-site electronic programs are being tested in the field and due for review by the G&T committee in Omaha, NE in October. Expect this format to be used by G&Ts for future

#### RESAP sponsor

Federated Rural Electric Exchange continues to support RESAP and contributed \$35,000 in 2005 at NRECA's Annual Meeting in San Diego. Frank Fraas, Mike Bird, and many of the Field Representatives are involved in this support.

#### Cooperative.com's Safety and Loss Control Community

- a. For safety instructors and the safety coordinators at each cooperative (over community 500 members)
- b. List serve has been most active feature (about 150 users)
- c. New features to be added as redesign comes live at end of August

#### Safety Accreditation Review Meetings currently planned

- a. Fall 2005 - October 25 - Omaha, NE, at the Omaha Marriott Hotel
- b. Spring 2006 - April 25 in Arlington, TX at the Wyndham Hotel
- c. Fall 2006 - October 25 in Hershey, PA at the Hershey Lodge

#### Brubaker thanked NUTSEA members for their support of RESAP

##### RESAP primary goals remain:

- a. Zero employee injuries or accidents
  - b. Zero preventable incidents or compliance issues that interfere with the cooperative business goals
  - c. Service to the membership in Safety and Loss Control matters
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- f. SIP Committee -Terry Williams reported that Certificates of Participation would be given out at the Awards Banquet. This Committee will be dissolved effective with new bylaw changes.
  - g. Membership Committee -Bob Cooper reported that there were 15 new active members, 1 transfer from Associate to Active, 5 Associate and 1 Honorary member voted in at Monday's meeting.

h. Regulatory Report-Jim Nevel presented a brief overview of the following report:

### **Regulatory Standards/Legislative Committee Report**

#### I. Department of Labor - Occupational Safety and Health Administration

A. Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; Hand and Portable Power Tools and Other Hand Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting, and Brazing, Arc Welding and Cutting.

The Occupational Safety and Health Administration (OSHA) in the November 24, 2004 *Federal Register* issued a final rule effective February 22, 2005 to delete from OSHA standards three references to national consensus standards and two references to industry standards that are outdated. Deleting these references will not reduce employee protections. By eliminating the outdated references, however, OSHA will clarify employer obligations under the applicable OSHA standards and reduce administrative burdens on employers and OSHA. These revisions are part of OSHA's overall effort to update OSHA standards that reference, or that include language taken directly from, outdated consensus standards.

The final rule effects 29 CFR 1910.106 (b) (1) (iii) (a) (2) OSHA standard for Flammable and Combustible Liquids, 29 CFR 1910.243 (e) (1) (i) OSHA standard for Guarding of Portable Tools, and 29 CFR 1910.254 (d) (1) OSHA standard for Arc Welding and Cutting.

#### B. Standards Improvement Project-Phase II

The Occupational Safety and Health Administration (OSHA) in the January 5, 2005 *Federal Register* issued a final rule effective March 7, 2005. The final rule purpose is for OSHA to continue to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. OSHA has completed Phase I of the Standards Improvement Project in June 1998.

In Phase II of the Standard Improvement Project, OSHA is again revisiting or removing a number of health provisions in its standards for general industry and construction. OSHA believes that the changes streamline and make more consistent the regulatory requirements in OSHA health and safety standards. In some cases, OSHA has made substantive revisions to requirements because they are outdated, duplicative, unnecessary, or inconsistent with more recently promulgated health standards.

OSHA has made a continuing effort to eliminate confusing, outdated and duplicative standards and regulations. In 1978, 1984, and again in 1996, OSHA conducted revocation and revision projects that resulted in the elimination of hundreds of unnecessary provisions.

OSHA believes that the revisions to its health and safety standards in the final rule reduces the regulatory burden of employers enhancing compliance while maintaining the safety and health protection afforded to employees.

In the proposed Phase II rule, changes to provisions included: First aid kits for general industry in the medical services and first aid standard (29 CFR 1910.151) and the telecommunications standard (29 CFR 1910.268) and signing medical opinions in the asbestos standard for general industry (29 CFR 1910.1001).

Finally, although OSHA did not propose to delete the requirement to use social security numbers in a number of its exposure-monitoring and medical surveillance records, it requested comment on whether there was a need to continue to include an employee's social security number in these records.

In the proposal, OSHA emphasized that the scope of the rulemaking was limited to removing or revising provisions that were outdated, duplicative, unnecessary, or inconsistent with similar provisions in other standards.

OSHA also noted that certain sections in part 1910 that were being addressed in the proposal are incorporated by reference in Parts 1926, the construction sections. Therefore, any changes to referenced sections in Part 1910 would also apply to 1926.

### C. Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment

The Occupational Safety and Health Administration (OSHA) in the June 15, 2005 *Federal Register*, issued a proposed rule updating the existing standard for the construction of electric power transmission and distribution installations. The proposed rule will make it consistent with the more recently promulgated general industry standard addressing the maintenance and repair of electric power generation, transmission, and distribution lines and equipment. The proposal also makes some miscellaneous changes to both standards, including adding provisions related to host employers and contractors, flame resistant clothing, and training, and updates the construction standard for electrical protective equipment, makes it consistent with the corresponding general industry standard, and makes it applicable to construction generally.

The existing rules for this type of work were issued in 1971. They are out of date and are not consistent with the more recent, corresponding rules for the operation and maintenance of electric power transmission and distribution systems. The revised standard would include requirements relating to enclosed spaces, working near energized parts, grounding for employee protection, work on underground and overhead installations, work in substations, and other special conditions and equipment unique to the transmission and distribution of electric energy.

OSHA is also proposing a new standard on electrical protective equipment for the construction industry. The current standards for the design of electrical protective equipment, which apply only to electric power transmission and distribution work, adopt several national consensus standards by reference. The new standard would replace the incorporation of these out-of-date consensus standards with a set of performance-oriented requirements that is consistent with the latest revisions of these consensus standards and with the corresponding standard for general industry. Additionally, OSHA is proposing new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions.

In addition, OSHA is proposing changes to the two corresponding general industry standards. These changes address: Class 00 rubber insulating gloves, electrical protective equipment made from materials other than rubber, training for electric power generation, transmission, and distribution workers, host-contractor responsibilities, job briefings, fall protection (including a requirement that employees in aerial lifts use harnesses), insulation and working position of employees working on or near live parts, protective clothing, minimum approach distances, deenergizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults.

These changes would ensure that employers, where appropriate, face consistent requirements for work performed under the construction and general industry standards and would further protect employees performing electrical work covered under the general industry standards. The proposal would also update references to consensus standards in §§ 1910.137 and 1910.269 and would add new appendices to help employers comply with provisions on protective clothing and the inspection of work positioning equipment.

OSHA is also proposing to revise the general industry standard for foot protection. This standard has substantial application to employers performing work on electric power transmission and distribution installations, but that applies to employers in other industries as well. The proposal would remove the requirement for employees to wear protective footwear as protection against electric shock.

OSHA will hold an informal public hearing in Washington, DC, beginning December 6, 2005. The hearing will commence at 10 a.m. on the first day, and at 9 a.m. on the second and subsequent days, which will be scheduled, if necessary.

Comments must be submitted (postmarked or sent) by October 13, 2005.

#### D. Notice of Regulatory Flexibility Act Review of Lead in Construction

The Occupational Safety and Health Administration (OSHA) issued a Notice of a Section 610 Review in the June 6, 2005 *Federal Register*. OSHA is conducting a review of the lead in construction standard under section 610 of the Regulatory Flexibility Act and section 5 of

Executive Order 12866 on Regulatory Planning and Review. In 1993, in response to a statutory mandate to adopt a standard to protect construction workers from lead exposures, OSHA promulgated a standard that requires testing of construction sites for lead exposures, provisions to protect workers from exposure where lead is present, and medical monitoring of exposed workers.

The purpose of this review is to determine whether there are ways to modify this standard to make implementation more practical, to reduce regulatory burden on small business, and to improve its effectiveness, while still protecting worker health.

In 1971, in accordance with section 6(a) of the Occupational Safety and Health Act (OSH Act), OSHA adopted standards incorporating a permissible exposure limit (PEL) of 200  $\mu\text{g}/\text{m}^3$ , to regulate occupational exposure to lead in general industry, 29 CFR 1910.1000, and in the construction industry, 29 CFR 1926.55. In both standards, the PEL had to be achieved by engineering and work practice controls, where feasible. In 1978, after a section 6(b) rulemaking, OSHA promulgated a final lead standard for general industry which lowered its PEL to 50  $\mu\text{g}/\text{m}^3$ , and included requirements for medical surveillance, monitoring, and other provisions, 29 CFR 1910.1025. The 1978 lead standard in paragraph (a) excluded the construction industry from its coverage.

OSHA, in the preamble, explained that it had exempted the industry because of insufficient information in the record to resolve issues specific to conditions in the construction industry. Therefore, after 1978, there was a less stringent lead standard for employees in the construction industry than for employees in general industry.

#### E. Top Ten Workplace Safety Violations in Trucking

The Occupational Safety and Health Administration (OSHA) in the May 25, 2004 “Keller’s Motor Carrier Safety Report,” Volume 31, Number 5, reported that OSHA’s requirements for a written hazard communication program are at the top of the list of the most-violated workplace safety standards in the trucking industry.

The list below covers the top 10 OSHA violations during 2004 for companies classified as those offering “truck transportation” under the North American Industry Classification System (NAICS) code.

The statistics are federal only, and are the result of violations that occurred in those states that comply with federal requirements. Citations for states that operate their own occupational safety and health programs are not included in these statistics.

Standard Violated	Topic	Total Violations
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1910.1200(e)(1)	Written hazard communication program	40
1910.23(c)(1)	Guarding floor and wall openings and holes: Protection of open-sided floors, platforms, and runways	18
1910.1200(h)(1)	Hazard communication: Employee information and training	18
1910.215(b)(9)	Abrasive wheel machinery: Guarding	17
1910.305(b)(1)	Electrical: Wiring methods, components, and equipment for general use - Conductors entering boxes, cabinets, or fittings	15
1910.1200(g)(8)	Hazard communication: Material safety data sheets - Copies in the workplace	13
1910.151(c)	Medical services and first aid	12
1910.178(l)(1)	Powered industrial trucks: Operator training	12
1910.215(a)(4)	Abrasive wheel machinery: General requirements - Work rests	12
1910.178(p)(1)	Powered industrial trucks: Operation of the truck	11

#### F. Warehouse Safety

The April 2005, “Keller’s Motor Carrier Safety Report,” Volume 31, Number 4, reported that the Occupational Safety and Health Administration (OSHA) has a new publication called “Worker safety series: Warehousing; OSHA pocket guide 3220”. The twenty-six page brochure is designed to highlight and help eliminate some of the hazards found in the average warehouse.

According to OSHA, more than 145,000 people work in over 7,000 warehouses, and the fatal injury rate for the warehousing industry is higher than the national average for all industries. According to the publication, potential hazards for workers in warehousing include unsafe forklift use, improper stacking of products, failure to use proper personal protective equipment, failure to follow proper lockout/tagout procedures, inadequate fire safety provisions, and repetitive motion injuries.

The top ten most-violated OSHA regulations for warehousing included:

1. Forklifts
2. Hazard Communication
3. Electrical-Wiring Methods
4. Electrical-System Design
5. Guarding Floor & Wall Openings, Holes
6. Exits
7. Mechanical Power Transmission
8. Respiratory Protection
9. Lockout/Tagout

## 10. Portable Fire Extinguishers

### G. Noise and Hearing Website

The April 2005 “Keller’s Motor Carrier Safety Report,” reported that the Occupational Safety and Health Administration (OSHA) has unveiled a new web page designed to help prevent occupational hearing loss.

Noise is one of the most common health problems in American workplaces. The Federal Motor Carrier Safety Administration (FMCSA) regulates noise levels in commercial motor vehicles under the standards in 49 CFR §393.94.

The website is available at: [www.osha.gov/dts/osta/otm/noise/index.html](http://www.osha.gov/dts/osta/otm/noise/index.html).

“This new tool offers practical information to help eliminate hearing loss for millions of workers who are exposed to high noise levels on the job,” said Acting Assistant Secretary Snare. “We are fortunate to have worked closely with industry experts in order to provide this information to those who need it most.”

The National Institute for Occupational Safety and Health (NIOSH) estimates that thirty million workers in the U.S. are exposed to hazardous noise.

## II. Department of Transportation - Federal Motor Carrier Safety Administration

### A. Hours of Service Drivers

The Federal Motor Carrier Safety Administration (FMCSA) in the February 4, 2005 *Federal Register* issued a notice of availability in public docket, an addendum to the regulatory impact analysis for the hours of service rulemaking, and request for comments.

On January 24, 2005, the FMCSA published in the *Federal Register* (70 FR 3339) a Notice of Proposed Rule Making (NPRM) regarding hours of service of commercial motor vehicle drivers. In the January 24, 2005 *Federal Register*, the FMCSA announced that it was reviewing and reconsidering the regulations on hours of service of drivers published on April 28, 2003 (68 FR 22456), and amended on September 30, 2003 (68 FR 56208). These regulations were vacated by the U.S. Court of Appeals for the District of Columbia Circuit on July 16, 2004. *Public Citizen et al. v. Federal Motor Carrier Safety Administration*, 374 F.3d 1209 (D.C. Cir. 2004). Congress subsequently provided that the 2003 regulations would remain in effect until the effective date of a new final rule addressing the issues raised by the court, or September 30, 2005, whichever occurred first (Section 7(f) of the Surface Transportation Extension Act of 2004, Part V). The FMCSA is reconsidering the 2003 regulations to determine what changes may be necessary to be consistent with the holdings and *dicta* of the *Public Citizen* decision. To

facilitate discussion, the FMCSA is putting forward the 2003 rule as the “proposal” on which public comments are requested.

Accordingly, in the docket of the NPRM published on January 24, 2005, the FMCSA has included a Regulatory Impact Analysis (RIA), or comprehensive analysis of economic benefits and costs of the proposed rule (Docket Number FMCSA-1997-2350-23302, refilled as FMCSA-2004-19608-80), which is the same RIA filed in the docket of the April 2003 hours-of-service rulemaking. However, effective January 1, 2005, the Office of Management and Budget (OMB) imposed new analytical requirements on Federal agencies in the preparation of RIAs for economically significant rulemakings (OMB Circular No. A-4, Guidelines for the Conduct of Regulatory Analysis). These new requirements include: (1) a quantitative analysis of the degree of uncertainty associated with key inputs to the calculation of benefits and costs (henceforth referred to as “uncertainty analysis”), and (2) a cost-effectiveness analysis (CEA) for major rulemakings for which primary benefits are improved public health and safety.

The cost effectiveness of a regulatory action is typically measured as a ratio of the change in costs occasioned by the action compared to its positive results (i.e., lives saved). A primary value of cost-effectiveness analysis is its ability to identify regulatory options that achieve the most effective use of the resources available without requiring monetization of all of the relevant benefits or costs. Regarding the results of the cost effectiveness analysis, the implementation of the NPRM was estimated to result in the total annual cost of \$10.8 million for each fatality prevented, and \$0.4 million for each injury prevented. It must be noted here that the CEA results presented here will tend to exaggerate the costs of preventing injuries and fatalities, because implementation of the NPRM would not just prevent injuries and fatalities, but would also prevent truck-related crashes limited to property-damage only. Additionally, the rule is expected to result in time savings as a result of the prevention of truck-related crashes.

#### B. Vehicles Built in Two or More Stages

The National Highway Traffic Safety Administration (NHTSA) in the February 14, 2005 *Federal Register* issued a Final Rule effective September 1, 2006.

The final rule amends four different parts of Title 49 to address the certification issues related to vehicles built in two or more stages, and to a lesser degree, to altered vehicles. The amendments allow the use of pass-through certification so that it can be used not only for multi-stage vehicles based on chassis-cabs, but also for those based on other types of incomplete vehicles. The amendments also create a new process under which intermediate and final-stage manufacturers and alterers can obtain temporary exemptions from dynamic performance requirements, and provide an automatic one year of additional lend time for new safety requirements for intermediate and final-stage manufacturers and alterers, unless the NHTSA determines with respect to a particular requirement that a longer or shorter time period is appropriate.

This final rule also refines the NHTSA's interpretation of "vehicle type" to more appropriately reflect the congressional and judicial considerations. Because vehicles built in two or more stages are more properly considered a "vehicle type," the NHTSA will be able more properly to consider the benefits and burdens of various compliance options when developing Federal motor vehicle standards.

Certification problems related to vehicles built in two or more stages have troubled both the automotive industry and the National Highway Traffic Safety Administration (NHTSA). An early set of NHTSA regulations on this subject was overturned by the Seventh Circuit Court of Appeals thirty years ago. *Rex Chainbelt v. Volpe*, 486 F.2d 757 (7<sup>th</sup> Cir. 1973); appeal after remand, *Rex Chainbelt v. Brinegar*, 511 F.2d 1215 (7<sup>th</sup> Cir. 1975). The court's decision focused on chassis-cabs and stated that for such vehicles a "dual certification" was required: a partial certification by the final-stage manufacturer, resulting in a fully certified vehicle.

In response, the agency amended 49 CFR 567.5, requirements for manufacturers of vehicles manufactured in two or more stages, and Part 568, vehicles manufactured in two or more stages, to define "chassis-cabs" and establish special certification requirements for chassis-cab manufacturers. Pursuant to these regulations, manufacturers of chassis-cabs are required to place on the incomplete vehicle a certification label stating under what conditions the chassis-cab has been certified. This allows what is commonly referred to as "pass-through certification." As long as a subsequent manufacturer meets the conditions of the chassis-cab certification, that manufacturer may rely on this certification and pass it through when certifying the completed vehicle.

### C. Tire Safety Information

The National Highway Traffic Safety Administration (NHTSA) in the March 22, 2005 Federal Register issued a final rule effective September 1, 2005.

In November 2002, the NHTSA published a final rule establishing, among other things, new tire safety information labeling requirements for vehicles. In June 2004, the NHTSA published a final rule responding to petitions for reconsideration on a variety of issues, and made certain amendments to the new vehicle labeling requirements. The requirements for vehicles become effective September 1, 2005.

The final rule requires that each vehicle (other than a motorcycle) with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or less contain either a new Vehicle Placard showing certain tire and loading information (placard), or a combination of a placard currently required by FMVSS No. 110, and a new Tire Inflation Pressure Label (label). The final rule specifies the content, format, and location for the placard and the label. Subsequent documents clarified the applicability of the final rule and extended the compliance date for the vehicle labeling provisions.

On June 3, 2004, NHTSA published a final rule and response to petitions for reconsideration of the November 2002 final rule (June 2004 final rule). The NHTSA made the following changes to the vehicle labeling requirements:

- The placard and label could contain a barcode or vehicle identification number (VIN) on the right side of the placard or the label.
- The placard and the label could contain tire load indications of “XL” or “Reinforced.”
- NHTSA clarified the use of red and yellow ink on the placard and the label.
- The placard format was revised to match the format of the label.

#### D. DOT Drug Testing Procedures Revised

The January 2005, “Keller’s Motor Carrier Safety Report,” Volume 31, Number 1, reported that the Department of Transportation (DOT) has new instructions for Medical Review Officer (MROs) effective November 9, 2004.

The MROs and laboratories involved in testing drivers for drug use have new instructions from the DOT concerning adulterated, substituted, and diluted test results.

The new requirements appear in an interim final rule revising the DOT’s drug testing requirements in 49 CFR Part 40. According to the DOT, the changes were necessary to avoid inconsistency with new requirements in the Department of Health and Human Services’ (HHS) testing guidelines that went into effect in November 2004.

The DOT has made the following changes:

1. The requirement that MROs deal with substituted results in a two-tiered fashion (i.e., medical review for some and recollection under direct observation for others) has been removed from Part 40. The MROs will provide medical review and verification for all laboratory-reported substituted specimen results. The change is necessary because, under HHS guidelines, there will be no specimens with creatinine levels greater than or equal to 2 mg/dL that will be considered substituted.

2. All Part 40 references to substituted specimens having creatinine levels greater than or equal to 2 mg/dL have been removed.

3. Laboratory testing criteria for specific gravity and creatinine concentration of substituted specimens and diluted specimens have been made consistent with HHS guidelines. A urine specimen will be considered dilute when the creatinine concentration is greater than or equal to 2 mg/dL but less than 20 mg/dL and the specific gravity is greater than 1.0010 but less than 1.0030. Previously, urine specimens had been considered dilute when the creatinine concentration was above 5 mg/dL but less than 20 mg/dL and the specific gravity was greater than 1.001 but less than 1.003.

4. Section 40.91 has been revised to make specimen validity testing consistent with the HHS guidelines. The HHS instructions, which direct laboratories to perform validity tests for oxidizing adulterants and additional validity tests when certain conditions (e.g., abnormal physical characteristics) are observed, have been adopted.

5. Reporting requirements for laboratory results have been made parallel to those in the HHS guidelines (with the exception of negative-dilute specimen results).

#### E. Licensing Fraud

The February 2005, “Keller’s Motor Carrier Safety Report,” Volume 31, Number 2, reported that the Department of Transportation (DOT) has identified the reducing of commercial driver’s license (CDL) fraud as one of the DOT “Top Management Challenges” for 2005.

Licensing fraud schemes have been investigated and prosecuted in 21 states over the past five years, according to the DOT. During that period, over 75 investigations carried out with the Federal Bureau of Investigation (FBI) and other law enforcement agencies found over 8,000 CDLs issued to drivers who obtained their CDLs through corrupt state or state approved testing processes. The fraud CDLs most often have involved “third-party examiners,” i.e., private individuals and companies certified by a state to test CDL applicants, the DOT noted.

In its “Top Management Challenges” report, the DOT’s Office of Inspector General (OIG) noted that “Instead of properly testing applicants, we have found too many cases where, in exchange for a bribe, a third-party examiner will pass applicants without a test or will supply test answers to applicants.”

Under its current regulations, the FMCSA cannot require states to retest suspect CDL holders. The FMCSA recently awarded a contract for the review of the entire CDL process to identify areas susceptible to fraud, as well as ways to improve the CDL process and eliminate potential fraud before it occurs. The CDL review will include developing a model state program, to include the critically important covert testing and retesting of suspect CDL holders.

#### F. Policy on Availability of Information From the Commercial Driver’s License Information System

The Federal Motor Carrier Safety Administration (FMCSA) in the January 13, 2005 *Federal Register* issued a Notice of Policy effective January 13, 2005.

As required by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), this document informs the public of the FMCSA's policy regarding access to information in the Commercial Driver's License Information System (CDLIS) by other Federal agencies.

Section 12007(e) of the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 (Pub. L. 99-570) specified four entities authorized to access information from CDLIS. These entities were the Secretary of the Department of Transportation (Secretary of DOT), the States, an employer or prospective employer of a person who operates a commercial motor vehicle (CMV), and a person who operates a CMV for an employer that owns or leases a CMV or assigns employees to operate a CMV (49 U.S.C. §31309 (e)). This provision remained in effect until Congress passed TEA-21 (Pub. L. 105-85) and revised the access provision through sections 4004(a) and 4011(d) (5) (codified at 49 U.S.C. 31106(e) and 31309(c), respectively). Sections 4004(a) and 4011(d)(5) of TEA-21 expanded CDLIS access by requiring the Secretary of DOT to develop a policy on making information available from CDLIS. The policy must conform to existing Federal information laws and regulations.

Section 12007(c) of the CMVSA directed the Secretary of DOT to establish an information system, now known as CDLIS, to exchange commercial driver licensing information among all the States. CDLIS includes the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

The CDL program was designed based on these fundamental principles -- that no person who operates a commercial motor vehicle shall at any time have more than one driver's license, that one license shall contain that person's complete driving record, and that the licensing State shall be notified of any convictions or violations of any motor vehicle control laws in any other State. CDLIS supports these principles by providing the Central Site, the telecommunications network, and the operating protocols States need to exchange commercial license, conviction and safety information on individual CDL drivers. Drivers who wish to review and, if necessary, correct information about them in CDLIS must contact the State agency that issued their license.

#### G. Federal Motor Vehicle Safety Standards; Lives Saved by the Federal Motor Vehicle Safety Standards and Their Costs; Technical Reports

The National Highway Traffic Safety Administration (NHTSA) in the January 27, 2005 *Federal Register* announced three technical reports estimating how many lives have been saved by vehicle safety technologies meeting the Federal Motor Vehicle Safety Standards, and their costs. The reports' titles are: *Lives Saved by the Federal Motor Vehicle Safety Standards and Other Vehicle Safety Technologies, 1960-2002, Passenger Cars and Light Trucks*; *Cost and Weight Added by the Federal Motor Vehicle Safety Standards for Model Years 1968-2001 in Passenger Cars and Light Trucks*; and *Cost Per Life Saved by the Federal Motor Vehicle Safety Standards*.

The entire reports are available on the Internet for viewing on line in PDF format, and their summaries in HTML format at:

<http://www.nhtsa.dot.gov/cars/rules/regrev/evaluate>

You may also obtain copies of the reports free of charge by sending a self addressed mailing label to Charles Kahane (NPO-131), National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590.

#### H. Vehicle Safety Hotline

The National Highway Traffic Safety Administration (NHTSA) in the June 21, 2005 *Federal Register* issued a final rule containing technical amendments to Part 571, Federal motor vehicle safety standards; Part 575, Consumer information; Part 577, Defect and noncompliance notification; and Part 582, Insurance cost information regulation. Specifically, the NHTSA is updating the telephone number that should be used to reach NHTSA's Vehicle Safety Hotline, and adding the web address. This amendment updates the pertinent contact information without making any substantive changes to the NHTSA regulations. The technical amendments to parts 571, 575, and 582 are effective June 21, 2006. The technical amendment to Part 577 is effective July 21, 2005. Voluntary compliance is permitted before that time.

To contact NHTSA, you may call the Vehicle Safety Hotline toll-free at 1-888-327-4236 (TTY: 1-800-424-9153); go to <http://www.safercar.gov>; or write to: Administrator, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. You can also obtain other information about motor vehicle safety from [Http://www.safercar.gov](http://www.safercar.gov).

#### I. Glazing Material

The National Highway Traffic Safety Administration (NHTSA) in the July 12, 2005 *Federal Register* issued a final rule effective August 11, 2005. The NHTSA published a final rule in July 2003 that updated the Federal motor vehicle safety standard on glazing materials. The NHTSA received several petitions for reconsideration of the rule, and has published documents that have delayed the rule's effective date. The July 12, 2005 document completes the response to the petitions by (1) amending provision on shade band requirements; (2) providing a compliance option to certain aftermarket glazing materials; (3) delaying the compliance date of the rule for motor vehicle manufacturers by two months so that they can deplete glazing inventories; and (4) correcting several provisions of the rule.

The Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials, specifies performance requirements for glazing installed in motor vehicles. It also specifies the vehicle location in which the various types of glazing may be installed. On July 25, 2005 (68 FR 43964) (Docket No. NHTSA-2003-15712), the NHTSA published a final rule (July 2003 final rule<sup>1</sup>) updating FMVSS No. 205 by incorporating by reference the 1996 version of the industry standard, American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways, hereinafter referred to as

“ANSI/SAE Z26.1-1996”. Prior to the July 2003 final rule, FMVSS No. 205 referenced the 1977 version of ANSI Standard Z26.1 and the 1980 supplement to that standard. By incorporating by reference ANSI/SAE Z26.1-1996, the NHTSA was able to remove most of the existing text in FMVSS No.205 and thus simplified the glazing standard.

In addition to incorporating ANSI/SAE Z26.1-1996, the final rule addressed several issues not covered by the standard. Among other matters, the final rule limited the size of the shade band located at the top of the windshield and interpreted the meaning of the term “the most difficult part or pattern” for the fracture test in ANSI/SAE Z26.1-1996.

#### J. Next Target for Public-Interest Groups: Entry-Level Driver Training Rule

The July 2005 “Keller’s Motor Carrier Safety Report” Volume 31, Number 7 reported that some of the same public-interests groups that got the Federal hours-of-service rules thrown out in Federal district court last year now have their sight on a rule requiring training for entry-level commercial drivers – and they’re not alone.

The Federal Motor Carrier Safety Administration (FMCSA) issued the training rule in May 2004 to require entry-level drivers – those with less than one year of experience operating a vehicle that requires a commercial driver’s license (CDL) in interstate commerce – to obtain training in four subject areas before driving a commercial motor vehicle. The subjects include hours of service, driver qualification, driver wellness, and whistleblower protection.

Calling the rule “useless” and “grossly inadequate,” the groups Public Citizen and Advocates for Highway and Auto Safety joined the Owner-Operator Independent Drivers Association, Inc. (OOIDA) and the United Motorcoach Association (UMA) in filing a court petition seeking to have the training rule thrown out. The petition was filed with the same court – the U.S. Court of Appeals for the District of Columbia Circuit – that heard the hours-of-service case.

Public Citizen and Advocates for Highway and Auto Safety led the effort in 2003-2004 to have the FMCSA’s hours-of-service rules thrown out. Their wish was granted in July 2004 when the appeals court found the hours-of-service rule “arbitrary and capricious” and ordered the FMCSA back to the drawing board. The FMCSA was given until September 01, 2005, to develop new rules.

The petitioners are arguing that the training rule is also “arbitrary and capricious.” Public Citizen told the court that the rule is “grossly inadequate because it doesn’t require that entry-level drivers receive any training in how to operative a commercial motor vehicle.”

“The Public Citizen and Advocates for Highway and Auto are suing FMCSA because it issued a driver training rule for new truck drivers that did not require any on-the-road or behind-the-wheel training,” said Judith Lee Stone, president of Advocates for Highway and Auto Safety. “It is inconceivable that the FMCSA would allow someone to start driving an eighteen-wheeler

for long distances at high speed without adequate behind-the-wheel training. The FMCSA is playing Russian roulette with the safety of truck drivers and American families on our highways.”

Concerned about the number of truck crashes caused by inadequately trained drivers, Congress directed the U.S. Department of Transportation (DOT) in 1991 to (1) investigate the need for minimum training requirements for entry-level truck and bus drivers, (2) “commence a rule-making proceeding on the need to require training of all entry-level drivers of commercial motor vehicles,” and (3) established minimum federal training requirements.

#### K. Medical Examiners Registration

The July 2005 “Keller’s Motor Carrier Safety Report” Volume 31, Number 7 reported that the Federal Motor Carrier Safety Administration (FMCSA) has begun steps to establish a list of medical examiners that have been certified by the FMCSA (or a third party) to conduct medical examinations. Under FMCSA rules, drivers must be medically examined at least once every twenty-four months to determine their physical qualifications to operate commercial motor vehicle, but examiners do have to have special qualifications.

The FMCSA announced that it held a public meeting in Arlington, VA, on June 22, 2005, concerning a National Registry of Certified Medical Examiners (NRCME). If the NRCME database is implemented, the FMCSA would only accept medical examinations conducted by persons listed in the NRCME as proof of the physical qualifications standards for interstate drivers.

#### L. Cargo Securement

The August 2005 “Keller’s Motor Carrier Safety Report” Volume 31, Number 8 reported that the Federal Motor Carrier Safety Administration (FMCSA) has proposed making numerous amendments to the rules for securing cargo on commercial motor vehicles.(CMV).

Among the proposed changes is removal of a controversial requirement to route straps inboard of rub rails on flatbeds.

The cargo securement rules, found in 49 CFR Part 393, were issued in their current form on September 27, 2002, and were based on the North American Cargo Securement Standard Model Regulations. The Model Regulations were designed to harmonize U.S., Canadian, and Mexican cargo securement rules as much as possible, and U.S. motor carrier were given until January 1, 2004, to comply.

Since then, several industry and enforcement groups have petitioned the FMCSA to amend or clarify various parts of the rules, from the acceleration thresholds to requirements for

securing logs. The FMCSA issued a memo to enforcement personnel in December 2003 implementing many of these proposed changes at an enforcement level, and now intends to codify them into its rules.

Other significant proposed changes to the general securement requirements would be:

1. Clarify §393.14 to state that cargo securement devices, systems, and vehicle components used to secure cargo can have cracks or cuts so long as those imperfections do not adversely affect their performance for cargo securement purposes. The FMCSA noted that “a blanket prohibition against any visible damage, regardless of severity, is not warranted.”

2. Simplify the formula for determining the aggregate working load limit in §393.106(d), to be the sum of:

A. One-half the working load limit of each tiedown that goes from an anchor point on the vehicle to an attachment point on an article of cargo: and

A. The working load limit for each tiedown that goes from anchor point on the vehicle, through, over, or around the cargo and then attaches to another anchor point on the vehicle.

3. Revise §393.102(c) to use 0.4g (gravity) (32.2 ft/sec<sup>2</sup>) deceleration in the forward direction and 0.25 g acceleration in a lateral direction when determining whether the working load limit for cargo securement devices or systems would be exceeded.

#### M. Federal Motor Carrier Safety Regulations Guidance.

The August 2005 “Keller’s Motor Carrier Safety Report” Volume 31, Number 8, reported that the Federal Motor Carrier Safety Administration (FMCSA) has issued new FMCSA guidance. For example: If a driver schedules and attends a physical examination at the time of his or her own choosing, the time can be recorded as “off-duty” on the driver’s hours-of-service log, but if the employer directs the driver to go at a certain time, it’s “on duty not driving.”

That’s just one of the new interpretations concerning the Federal Motor Carrier Safety Regulations (FMCSR) recently issued by the FMCSA.

The following is the complete test of the new FMCSA guidance:

*Question:* A driver operates a combination weight rating (GCWR) of more than 26,000 pounds. The tractor is towing a semi trailer and a full trailer, each with a gross vehicle weight rating (GVWR) of less than 10,001 pounds. Is this combination a Group A vehicle that requires a driver with a Class A commercial drivers license (CDL)?

*Response:* Yes the GVWR for multiple towed units are added to determine whether the 10,000 pound GVWR threshold has been met. If the total GVWR for the two trailers is at least 10,001 pounds, and the tractor's GVWR is sufficient to produce a GCWR of at least 26,001 pounds, the combination is a Group A vehicle requiring a driver with a Class A CDL with a double/triple trailers endorsement. For example, a combination vehicle with a GCWR of 36,000 pounds includes a semi trailer and a trailer, each of which has a GVWR of 6,000 pounds. This is a Group A vehicle having a GCWR of 36,000 pounds inclusive of two towed units having a combined of 12,000 pounds.

*Question:* If an item of construction equipment which weighs less than 4, 538 kg (kilograms) (10,000 lb.) is transported on a flatbed or drop-deck trailer, must the accessory equipment be lowered to the deck of the trailer?

*Response:* No. However the accessory equipment must be properly secured using locking pins or similar devices in order to prevent either the accessory equipment or the item of construction equipment itself from shifting during transport.

*Question:* How should I secure the accessories for item of construction equipment which weighs 4,536 kg (10,000 lb.) or more, if the accessory devices would extend beyond the width of the trailer if they are lowered to the deck for transport?

*Response:* The accessory devices (plows, trencher bars, and the like) may be transported in a raised position provided they are designed to be transported in that manner. However, the accessory equipment must be locked in place for transport to ensure that neither the accessories nor the equipment itself shifts during transport.

## N. Rules of Practice

The August 2005 "Keller's Motor Carrier Safety Report" Volume 31, Number 8 reported that the Federal Motor Carrier Safety Administration (FMCSA) violation proceedings procedures have changed.

The FMCSA has revised its "Rules of Practice for Motor Carrier, Broker, Freight, Forwarder, and Hazardous Materials Proceedings" in 49 CFR Part 386. The rules govern the procedures used to determine if a person or company has violated the Federal Motor Carrier Safety Regulations (FMCSR) of Hazardous Materials Regulations and, if so, to issue an appropriate order to compel compliance and /or assess a civil penalty.

According to the FMCSA, the recent changes are designed to (1) increase the efficiency of the procedures, (2) enhance due process and awareness of the public and regulated community, and (3) accommodate recent programmatic changes. The rules apply to all motor carriers, other business entities, and individuals involved in motor carrier safety and hazardous

materials administrative actions and proceedings with FMCSA. The rule was published May 18, 2005, and takes effect November 14, 2005.

#### O. Parts and Accessories Necessary for Safe Operation; General Amendments

FMCSA amends part 393 of the Federal Motor Carrier Safety Regulations (FMCSR's), in the August 15, 2005 Federal Register issued a final rule effective September 14, 2005 amending Parts and Accessories Necessary for Safe Operation. The amendments are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR part 571); and codify certain FMCSA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements, but a clarification of existing requirements. This action is intended to make many sections more concise, easier to understand and more performance oriented.

This final rule requires commercial motor vehicles to be maintained, equipped and operated safely. It removes obsolete and redundant regulations; responds to several petitions for rulemaking; provides improved definitions of vehicle types, systems, and components; resolves inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle.

The fundamental purpose of 49 CFR part 393 Parts and Accessories Necessary for Safe Operation is to ensure that no employer shall operate a commercial motor vehicle or cause or permit it to be operated, unless it is equipped in accordance with the requirements and specifications of this part. However, nothing contained in part 393 shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by part 393, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used. Compliance with the rules concerning parts and accessories is necessary to ensure vehicles are equipped with the specified safety devices and equipment.

#### P. Hours of Service of Drivers

The Federal Motor Carrier Safety Administration (FMCSA) final rule governing hours of service for commercial motor vehicle drivers rule addresses requirements for driving, duty, and off-duty time; a recovery period, sleeper berth, and new requirements for short-haul drivers. The hours-of-service regulations published on April 28, 2003, were vacated by the U.S. Court of Appeals for the District of Columbia Circuit on July 16, 2004. Congress subsequently provided, through the Surface Transportation Extension Act of 2004, that the 2003 regulations will remain in effect until the effective date of a new final rule addressing the issues raised by the court or September 30, 2005, whichever occurs first.

#### Q. Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System

The National Highway Traffic Safety Administration (NHTSA) in the July 29, 2005 Federal Register issued a final rule which amends the National Driver Register (NDR) regulations to

implement new reporting requirements mandated by the Motor Carrier Safety Improvement Act of 1999 (MCSIA). MCSIA amended the NDR Act to require that a State, before issuing or renewing a motor vehicle operator's license, must verify an individual's eligibility to receive a license through informational checks of both the NDR and the Commercial Driver's License Information System (CDLIS). The final rule amends the NDR regulations to reflect this statutory change.

The final rule also provides an updated listing of the NDR reporting codes in the Appendix to reflect the codes that should be implemented by participating States by September 30, 2005. The final rule clarifies that pointer records reported to the NDR must only regard individuals who have been convicted or whose license has been denied, canceled, revoked, or suspended for one of the offenses identified in the Appendix. Finally, the final rule adds a definition for the term "employers or prospective employers of motor vehicle operators."

The final rule becomes effective on September 27, 2005

#### R. 49 CFR Part 571 Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators

The National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT) in the August 17, 2005 Federal Register issued a final rule effective February 13, 2006. The final rule updates the standard regulating motor vehicle controls, telltales and indicators. The standard specifies requirements for the location, identification, and illumination of these items. This rule extends the standard's telltale and indicator requirements to vehicles with a Gross Vehicle Weight Rating (GVWR) of 4,536 kg (10,000 pounds) and greater, updates the standard's requirements for multi-function controls and multi-task displays to make the requirements appropriate for advanced systems, and reorganizes the standard to make it easier to read. The standard requires, among other things, that certain controls, telltales and indicators be identified by specified symbols or words. While we proposed to expand the list of items for which specified identification is required, we decided, for purposes of this rule, to include only the items and identification previously specified in this standard or in another of the NHTSA standards. The compliance date for the extension of the standard's telltale and indicator requirements to vehicles with a GVWR of 4,536 kg (10,000 pounds) or greater is September 1, 2013. The compliance date for all other requirements is February 13, 2006. Voluntary compliance is permitted immediately.

Petitions for reconsideration: Petitions for reconsideration of the final rule must be received not later than October 3, 2005.

#### S. Senate Panel Approves Highway Bill with 'Hours-of-Service' Utility Exemption

The May 5, 2005 National Rural Electric Cooperative Association (NRECA) "Environmental Bulletin" reported that on April 14, 2005, the Senate Commerce Committee approved the "Highway Safety Improvement Act of 2005" with provisions won in an effort led by NRECA to exempt operators of utility service vehicles from the Transportation Department's "Hours-of-Service" truck driving regulations. The bill will be combined with the "Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005" (S.732), which the Senate

Environment and Public Works Committee approved on April 6, 2005. The NRECA has worked more than nine years for an exemption from “Hours-of-Service” regulations. The House highway bill (H.R. 3) that passed 417-9 on March 10, 2005, has an identical utility service vehicle exemption.

### III. Environmental Protection Agency

#### A. Supporting Tougher Clean Diesel Standards, Advanced Technology Will Test Real-World Truck and Bus Emissions

The June 3, 2005 U.S. Environmental Protection Agency “Newsroom” reported that testing highway diesel truck and bus emissions will be more accurate, less expensive, and more effective under a new in-use testing program announced today by the EPA. Using state-of-the-art technology, the program will ensure the EPA’s stringent emission standards are met under real-world driving conditions and deliver increased public health benefits. This program is the result of unprecedented cooperation involving the EPA, the California Air Resource Board (ARB), and diesel engine manufacturers.

“This program is a dramatic addition to the EPA’s Clean Diesel Campaign and will result in healthier air for all Americans,” said the EPA Assistant Administrator for Air and Radiation Jeff Holmstead. “This collaborative effort with engine manufacturers will help ensure that diesel trucks run cleaner for as long as they are on our roads.”

While vehicles from a selected sample of typical trucks and buses are in operation, portable measuring devices attached to the engine will assess exhaust emissions of hydrocarbons, carbon monoxide, nitrogen oxides, and particulate matter. The program begins this June 2005 with a pilot program that calls on manufacturers to recruit volunteer test vehicles from fleets or individual owners. The program will expand nationwide starting with 2007 model year diesel trucks.

Prior to this program, testing diesel engine emissions required removal of the engine from the truck and testing in laboratories. These former testing procedures were more cumbersome, less accurate and more expensive. This new program also brings this successful partnership to the research and development arena with the initiation of a new development program to further demonstrate and refine the portable emission measurement technology.

In a companion action also announced, the EPA is revising the test procedures to reflect current state-of-the-art portable emission measurement technology. This rule also creates unified testing requirements for all engines that will streamline laboratory efforts for the EPA and industry.

#### B. National Parks and Wilderness Areas Protected by Clean Air Visibility Rule

The June 16, 2005 Environmental Protection Agency (EPA) "News Release" reported that America's national parks and wilderness areas gained further protection with the Clean Air Visibility Rule signed June 15, 2005 by the EPA Administrator Stephen Johnson. Under the rule, states are required to identify older industrial facilities and power plants that affect visibility in specially protected areas. To help achieve the Clean Air Act's long-term goal to restore visibility in those areas, states would then determine the types of emission controls that those facilities must use to control their emissions, resulting in improved visibility, air quality, and public health.

"America's national parks and wilderness areas are getting a new level of protection," said Jeff Holmstead, assistant administrator for the Office of Air and Radiation. "The Clean Air Visibility Rule -- combined with stringent standards for a dramatically cleaner new generation of vehicles and deep cuts in power plant emissions -- mean that our views will be clearer and the air healthier."

The EPA's benefits analysis shows that this rule will provide approximately \$240 million annually in visibility improvements in southeastern and southwestern parks. The rule will also provide substantial health benefits in the range of \$8.4 - \$9.8 billion each year -- preventing an estimated 1,600 premature deaths, 2,200 non-fatal heart attacks, 960 hospital admissions, and more than 1 million lost school and work days. The total annual costs of this rule range from \$1.4 to \$1.5 billion.

The rule requires states to identify and determine appropriate emissions controls for facilities built between 1962 and 1977 that have the potential to emit more than 250 tons a year of visibility-impairing pollution. Those facilities fall into 26 categories, including utility and industrial boilers, and large industrial plants such as pulp mills, refineries and smelters.

The rule complements the significant emissions reductions that will be achieved by the Clean Air Interstate Rule and the suite of regulations reducing motor vehicle emissions. As these clean air rules take effect over the next decade, the EPA projects that the pollution reductions will improve air quality across the country, help communities achieve new, more protective standards for ozone and fine particles (PM 2.5), and further protect America's national parks and wilderness areas.

Regional haze is a national problem caused by multiple sources over a wide area. Visibility is affected by different sources at different times of the year and under different weather conditions. In addition to industrial facilities and power plants, other significant contributors to visibility impairment include car and truck emissions, area sources (broadly distributed and numerous small sources), wildfires, agricultural fires, and wind blown dust. The same pollution that causes haze also poses serious health risks for people with chronic respiratory diseases. These pollutants include fine particle pollution, and compounds which contribute to its formation, such as oxides of nitrogen, sulfur dioxides, and certain volatile organic compounds.

### C. Eight – Hour Ozone Rule

The August 4, 2005 National Rural Electric Cooperative Association (NRECA) “Environmental Bulletin” reported that on July 21, 2005, the American Lung Association and three other environmental groups sued the Environmental Protection Agency (EPA) accusing the EPA of using a new, more stringent air quality standard for ozone to allow some areas to relax pollution controls (*American Lung Association v. EPA*, D.C> Cir., Nos. 05-1281, 05-1282, July 21, 2005). The organizations filed two lawsuits challenging two of the EPA’s actions taken July 1, 2005 and May 26, 2005, which rejected their call for the EPA to revise parts of its rule for implementing the eight-hour ozone air quality standard. In the July 1, 2005 action contested by the groups, the EPA reconsidered the eight-hour implementation rule for ozone and rejected the organizations’ request for revision, and retained provisions that allow states to revoke New Service Review (NSR) requirements imposed on areas that failed to achieve attainment under the old one-hour standard if they were in attainment of the new eight-hour standard. In the May 26, 2005 action, the EPA rejected the groups’ petition to reverse provisions that revoked a \$5,000-per-ton emissions fee for areas that were in severe non-attainment of the one-hour standard.

### D. Toxics Release Inventory Reporting Forms Modification Rule

The Environmental Protection Agency (EPA) in the July 12, 2005 *Federal Register* issued a final rule effective September 12, 2005 to improve reporting efficiency and effectiveness, reduce burden, and promote data reliability and consistency across the EPA’s program. Therefore the EPA is simplifying the Toxics Release Inventory (TRI) reporting requirements. TRI reporting is required by Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). This rule simplifies the TRI reporting requirements by (1) removing some data elements from the Form R and Form A Certification Statement (hereafter referred to as Form A) that can be obtained from other EPA information collection databases, (2) streamlining other TRI data elements through range codes and a reduced number of reporting codes, and (3) eliminating a few data elements from the Form R. This rule also makes two technical corrections to the regulations to provide corrected contact information description and to remove an outdated description of a pollution prevention data element.

### E. 40 CFR Parts 260, 261, 264, 265, 268, 270, and 273

Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment

The ENVIRONMENTAL PROTECTION AGENCY (EPA) in the August 5, 2005 *Federal Register* issued a final rule effective on August 5, 2005 which adds mercury-containing equipment to the federal list of universal wastes regulated under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. The EPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to

better management of this equipment and will facilitate compliance with hazardous waste requirements.

a. What Is Mercury-Containing Equipment?

Mercury-containing equipment (MCE) consists of devices, items, or articles that contain varying amounts of elemental mercury that is integral to their functions, including several types of instruments that are used throughout the electric utility industry and other industries, municipalities, and households. Some commonly recognized devices are thermostats, barometers, manometers, and mercury switches, such as light switches in automobiles. This definition does not include mercury waste that is generated as a by-product through the process of manufacturing or treatment.

b. Previous Regulations for Mercury-Containing Equipment

Any person who generates a solid waste, as defined in 40 CFR 261.2, must determine whether or not the solid waste is a hazardous waste. The waste may be hazardous either because it is listed as a hazardous waste in subpart D of 40 CFR part 261 or because it exhibits one or more of the characteristics of hazardous waste, as provided in subpart C of 40 CFR part 261.

Mercury-containing equipment is likely to be a hazardous waste when disposed of or reclaimed because it exhibits the toxicity characteristic (TC) for mercury. Mercury-containing equipment that is a hazardous waste is referred to in this preamble as "spent mercury-containing equipment" or "spent MCE." Before the August 5, 2005 rulemaking, many generators of spent mercury-containing equipment identified or listed as a hazardous waste were subject to the full RCRA subtitle C hazardous waste management requirements. Specifically, generators were subject to all applicable requirements of 40 CFR parts 260 through 268, including the on-site management, pre-transport, and manifesting requirements of part 262.

However, not all generators of spent mercury-containing equipment have had to manage it as a hazardous waste or be subject to the full set of RCRA hazardous waste requirements. Under RCRA subtitle C, there are different requirements for generators of hazardous waste depending on the amount of hazardous waste they generate in a calendar month. In addition, as discussed below, certain spent mercury-containing equipment are already subject to the universal waste rule.

Specifically, generators of more than 1,000 kilograms of hazardous waste in a month (considered large quantity generators (LQGs)) are required to comply fully with the federal hazardous waste regulations. On the other hand, generators of more than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month (considered small quantity generators (SQGs)) are subject to the RCRA hazardous

waste management standards, but are allowed to comply with certain reduced regulatory requirements (see 40 CFR 262.34(d), (e), and (f)). In addition, under 40 CFR 261.5, conditionally-exempt small quantity generators (CESQGs), defined as facilities that generate less than 100 kilograms of hazardous waste in a calendar month, are not subject to the RCRA subtitle C hazardous waste management standards, provided they send their waste to a municipal solid waste landfill or non-municipal nonhazardous waste facility approved by the state for the management of CESQG wastes. Finally, households that generate spent mercury-containing equipment are exempt from the federal hazardous waste management requirements under the household hazardous waste exemption in 40 CFR 261.4(b)(1).

### c. Universal Waste Rule

In 1995, the EPA promulgated the universal waste rule (60 FR 25492, May 11, 1995) to establish a streamlined hazardous waste management system for widely generated hazardous wastes as a way to encourage environmentally sound collection and proper management of the wastes within the system. Hazardous waste batteries, certain hazardous waste pesticides, mercury-containing thermostats, and hazardous waste lamps are already included on the federal list of universal wastes.

Handlers and transporters who generate or manage items designated as a universal waste are subject to the management standards under 40 CFR part 273, rather than the full RCRA subtitle C regulations. Handlers include universal waste generators and collection facilities. The regulations distinguish between "large quantity handlers of universal waste" (those who handle more than 5,000 kilograms of total universal waste at one time) and "small quantity handlers of universal waste" (those who handle 5,000 kilograms or less of universal waste at one time). The 5,000 kilogram accumulation criterion applies to the quantity of all universal wastes accumulated. The streamlined standards include requirements for storage, labeling and marking, preparing the waste for shipment off site, employee training, response to releases, and notification.

Transporters of universal waste are also subject to less stringent requirements than the full subtitle C hazardous waste transportation regulations. The primary difference between the universal waste transporter requirements and the subtitle C transportation requirements is that no manifest is required for transport of universal waste. The details of the universal waste management standards for both handlers and transporters will be addressed later in this preamble.

Under the universal waste rule, destination facilities are those facilities that treat, store, dispose, or recycle universal wastes. Universal waste destination facilities are subject to all currently applicable requirements for hazardous waste treatment, storage, and

disposal facilities (TSDFs) and must receive a RCRA permit for such activities. Hazardous waste recycling facilities that do not store hazardous wastes prior to recycling may be exempt from permitting under the federal regulations (40 CFR 261.6(c)(2)).

Finally, some states are authorized to add wastes that are not federal universal wastes to their lists of universal wastes. Therefore, in some states, spent mercury-containing equipment may already be regulated as a universal waste.

#### F. EPA Announces Landmark Clean Air Interstate Rule

The Environmental Protection Agency (EPA) in the March 15, 2005 “EPA National News” reported that on March 10, 2005, Acting Administrator Steve Johnson signed the final Clean Air Interstate Rule (CAIR), a rule that according to the EPA, will ensure that Americans continue to breathe cleaner air by dramatically reducing air pollution that moves across state boundaries in twenty-eight eastern states. By the year 2015, CAIR will provide health and environmental benefits valued at over twenty-five times the cost of compliance, and those benefits will continue to grow, according to Johnson.

“CAIR will result in the largest pollution reductions and health benefits of any air rule in more than a decade,” said Acting EPA Administrator Steve Johnson. “The action we are taking will require all twenty-eight states to be good neighbors, helping states downwind by controlling airborne emissions at their source.”

CAIR will permanently cap emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) in the eastern United States. When fully implemented, CAIR will reduce SO<sub>2</sub> emissions in twenty-eight eastern states and the District of Columbia by over 70 percent and NO<sub>x</sub> emissions by over 60 percent from 2003 levels. This will result in more than one hundred billion dollars in health and visibility benefits per year by 2015 and will substantially reduce premature mortality in the eastern United States, and these benefits will continue to grow each year with further implementation.

CAIR will mandate the largest reduction in air pollution since the reductions set by the Acid Rain Program under the Clean Air Act Amendments of 1990. Under CAIR, states will achieve the required emissions reductions using one or two options for compliance: 1) require power plants to participate in the EPA-administered interstate cap and trade system that caps emissions in two stages, or 2) meet an individual state air emission limit through measures of the state’s choosing. By addressing air pollutants in a cost effective fashion, the EPA and the states will protect public health and the environment without interfering with the steady flow of affordable energy for American consumers and businesses.

#### IV. Department of Energy - Federal Energy Regulatory Commission

A. Electronic Reporting of Shortages and Anticipated Shortages of Electric Energy and Capacity

The Federal Energy Regulatory Commission (FERC) in the June 16, 2005 *Federal Register* is revising its regulation 18 CFR Part 294, to provide that the means by which public utilities must report shortages and anticipated shortages of electric energy and capacity is by submitting an electronic filing via the Division of Reliability’s pager system at [emergency@ferc.gov](mailto:emergency@ferc.gov), instead of filing with the Secretary of the FERC.

In Part 294.101 Shortage of electric energy and capacity subpart (e) in the Reporting Procedure states: “Any public utility that reports under this part must provide an electronic filing to the FERC at [emergency@ferc.gov](mailto:emergency@ferc.gov) and one copy to any state regulatory authority and firm power wholesale customers, unless otherwise required by the FERC.

B. Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

The Office of Energy Efficiency and Renewable Energy in the March 11, 2005 *Federal Register* issued a Notice effective April 11, 2005.

In this notice, the Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2005 pursuant to the Energy Policy and Conservation Act. The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2005)

Type of energy	Per million Btu <sup>1</sup>	In commonly used terms	As required by test procedure
Electricity .....	\$26.55	9.06¢/kWh <sup>2,3</sup> .....	\$.0906/kWh.
Natural Gas .....	10.92	\$1.092/therm <sup>4</sup> or \$11.23/MCF <sup>5,6</sup> .....	.00001092/Btu.
No. 2 Heating Oil .....	12.68	\$1.76/gallon <sup>7</sup> .....	.00001268/Btu.
Propane .....	16.94	\$1.55/gallon <sup>8</sup> .....	.00001694/Btu.
Kerosene .....	16.32	\$2.20/gallon <sup>9</sup> .....	.00001632/Btu.

<sup>1</sup> Btu stands for British thermal units.

<sup>2</sup> kWh stands for kilowatt hour.

<sup>3</sup> 1 kWh = 3,412 Btu.

<sup>4</sup> 1 therm = 100,000 Btu. Natural gas prices include taxes.

<sup>5</sup> MCF stands for 1,000 cubic feet.

<sup>6</sup> For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,028 Btu.

<sup>7</sup> For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.

<sup>8</sup> For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.

<sup>9</sup> For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

V. Rural Utilities Service

A. Specification Drawings for 12.5/7.2 kV

The Rural Utilities Service (RUS) in the April 21, 2005 *Federal Register* issued a final rule effective October 21, 2005, amending its regulations regarding RUS Bulletin 50-3, Specifications Drawings for 12.5/7.2 kV Line Construction. The bulletin is currently incorporated by reference in RUS regulations and the revised and renumbered RUS Bulletin 1728F-804 will continue to be incorporated by reference. This rule is necessary to provide the latest RUS specifications, materials, equipment, and construction methods for RUS electric borrowers to construct their rural overhead electric distribution systems. RUS proposes to update, renumber and reformat this bulletin in accordance with the RUS's new publications and directives system.

VI. Department of Labor - Employment Standards Administration Wage and Hour Division

A. The Motor Carrier Exemption Under the Fair Labor Standards Act

The March 21, 2005 Department of Labor Fact Sheet No. 19 titled "The Motor Carrier Exemption Under the Fair Labor Standard" reported that Section 13(b)(1) of the Fair Labor Standard Act (FLSA) is an exemption from overtime. The provisions of Section 7 (overtime) do not apply with respect to any employee to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of Section 204 of The Motor Carrier Act of 1935.

Section 13(b)(1) of the FLSA provides an exemption from the overtime pay provisions, but not from the minimum wage (Section 6) requirements. This exemption has been interpreted as applying to any driver, driver's helper, loader or mechanic employed by a carrier and whose duties affect the safety of operation of motor vehicles in the transportation on public highways of passengers or property in interstate or foreign commerce.

Section 13(b)(1) overtime exemption applies to those employees for whom the Department of Transportation (DOT) claims jurisdiction and if the employer is:

- 1) a private carrier and hauls property or;
- 2) a common contract carrier and hauls property or passengers and additionally if;
  - a) the employee's duties (consisting wholly or in part) affect the safety of operation of a motor vehicle and;
  - b) the employee's travel is in interstate commerce (across State lines) or the employee handles trips which connect with an intrastate terminal (rail, air, water, or land) to continue an interstate journey of goods that have not come to rest at a final destination.

The exemption will apply to those employees called upon in the ordinary course of work to perform, either regularly or from time to time, safety-affecting activities. The employee comes within the exemption in all workweeks when he/she is employed in such work. This general rule assumes that the activities involved in the continuing duties of the job in all workweeks will include activities that affect safety of operation of motor vehicles. Where this is

the case, the exemption will be applicable regardless of the proportion of “safety affecting activities” performed in a particular workweek. On the other hand, where continuing duties of the employee’s job have no substantial direct effect on such “safety of operation”, or where such safety affecting activities are so trivial, casual, and insignificant as to be de minimis, the exemption will not apply in any workweek so long as there is no change in the duties.

Where safety affecting employees have not made an actual interstate trip, they may still be subject to DOT’s jurisdiction if:

- 1) the employer is shown to have an involvement in interstate commerce and;
- 2) it can be established that the employee could have, in the regular course of employment, been reasonably expected to make an interstate journey or could have worked on the motor vehicle in such a way to be safety affecting.

Satisfactory evidence of the above could take the form of statements from the employees, or documentation from the employer, such as employee agreements. Where such evidence is developed with regard to an employee, the DOT will assert jurisdiction over that employee for a four (4) month period beginning with the date he/she could have been called upon to, or actually did, engage in the carrier’s interstate activities. Thus, such employee(s) would be exempt under Section 13(b)(1) for the same four-month period, notwithstanding references to the contrary in Regulations, 29 CFR 782.2.

The overtime pay exemption does not apply to employees of non-carriers such as commercial garages, firms engaged in the business of maintaining and repairing motor vehicles owned and operated by carriers, or firms engaged in the leasing and renting of motor vehicles to carriers.

Typical Problems: A carrier may improperly apply the Section 13(b)(1) overtime exemption to employees of the company who are not engaged in “safety affecting activities”, such as dispatchers, office personnel, those who unload vehicles or those who load but are not responsible for the proper loading of the vehicle. Only drivers, driver’s helpers, loaders who are responsible for proper loading, and mechanics working directly on motor vehicles that are to be used in transportation of passengers or property in interstate commerce, can be exempt from the overtime provisions of the FLSA under Section 13(b)(1).

- i. Internet Report- Dennis Corcoran reported on the new format redesign in October 2004. There have been some glitches lately. Corcoran reported that the NUTSEA Executive Secretary will take over the website maintenance and updates.

- j. New member orientation-Vernon Shearer reported that 9 members attended the lunch meeting. At the meeting, Shearer welcomed the members, handed out NUTSEA briefcases and answered questions.
  
- k. Membership Survey Committee -Vernon Shearer reported 126 members of NUTSEA were successfully contacted and completed the survey. The results were presented to the Executive Committee on Sunday, September 25, 2005. Follow-up action will follow and membership will be notified. Shearer noted that overall, communication was the most noted item for needing improvement. The survey was conducted at no cost to the organization.
  
- l. Professional Safety Training-Lloyd Sholes, no report at this time
  
- m. Conference Program Planning-Bob Palmbos, no report at this time
  
- n. SIP Program workshop report-Mike Bird reported the SIP Program was presented on September 26, 2005 and was titled “Teaching Techniques for Adult Students.” The program was presented by Dr. Donald Shafer of Alaska management Consulting and Training. Dr. Shafer’s presentation consisted of theories of the adult learner, motivation and learning styles. The program began with 51 participants and was completed by 20. Ratings ranged from excellent to poor.
  
- o. Ergonomics for line workers-Bob Stefancik reported that Dave Gardner of Golden Valley Electric Association presented this program on Tuesday, September 27<sup>th</sup>. There were approximately 60 participants. Of the twelve evaluations that were completed, ratings indicated good to excellent program.
  
- p. Program Sharing-Bob Stefancik reported that there were 5 programs presented. Topics included: Cover up Material, Lockout/Tagout, Blood borne Pathogens, Voltage Regulators and Crew Chief Awareness training. There were approximately 60 participants. 20 evaluations for each of the topics were completed. Comments

range from fair to excellent with a majority rating excellent. 17 topics were recommended for next year's NUTSEA Conference and several volunteers to present a program.

q. Equipotential grounding-Bob Cooper reported that about 55-60 members attended Brian Erga's workshop. Erga covered the basics of equipotential grounding for both overhead and underground power lines. He gave various examples of how the technique works to protect the line worker. Erga answered several questions. Feedback was positive. 18 evaluation forms were completed which were all complimentary of the speaker and topic.

r. ARC Testing of FR clothing-Jim Nevel reported that Hugh Hoagland presented ARC Testing for Fire Resistant clothing on Tuesday, September 27<sup>th</sup>. 24 evaluations were handed in and almost all rated the workshop excellent.

s. Roundtable discussions-Jerry Franklin reported 29 attendees at the session. They discussed several accidents and topics. Jon Glazier also reported to the group on OSHA and DOT regulations.

t. Distribution -Terry Williams reported that 27 members from 12 states attended this luncheon. The group discussed DOT issues, Hours of Service, and FR clothing. Jon Glazier presented information on HOS exemption and proposed OSHA work rules.

u. G&T-Vernon Shearer submitted the following report:

Clint Wilbur nominated Lance Burke as the secretary for the G&T meeting this year in Anchorage. The nomination was seconded. Nominations were closed and a vote was taken. Lance Burke is the new secretary, with Pat Whalen moving to vice chair and Buddy Manning moving to Chairperson.

Budding Manring called the meeting to order with Vernon Shearer keeping an eye on Hugh Hoagland during roundtable discussions.

Role call was held and attendees were introduced.

Hugh Hoagland was present at this meeting to answer questions related to arc flash hazards.

The following items were discussed/reviewed at this meeting:

Personal cell phones at work

Shooting slag while boiler in operation-Aluminized Kevlar suit was suggested

Hazardous Material endorsements for CDL drivers

Asbestos health problems

Employees entering precipics. Testing and safety precautions related to precipics

Jon Glazier provided an NRECA year in review for the group focusing on “Hours of Service”. Even though the President signed the HOS exemption for utility service vehicles, the exemption may not apply until state and federal agencies acknowledge the exemption.

Possible topics for next year’s session were reviewed. Pat Whalen suggested that next year we should all bring our F.R. policies and job descriptions related to physical attributes to compare what works and what doesn’t.

Pat Whalen and Buddy Manring will work on speakers for next years meeting.

Buddy, Pat and Lance will be the executive committee for next year and the Claude Frazier award.

Respectfully Submitted,

Lance Burke

Attendees:	Pat Whalen	Jon Glazier
	Sig Molland	Lance Burke
	Budding Manring	Shari DiPeso
	Jim Ed Harris	Ron Taylor
	Clint Wilbur	Mark Carter
	Rob McAdoo	Gary Kleis
	Guy Williams	Mike Pitts
	Vernon Shearer	

v. SAIA Report, Jim Wright reported the Chairman was not available. This group discussed Hurricane recovery efforts.

w. Quad State, Dennis Corcoran reported that this group updated their membership list at their meeting.

III. Treasurers Report-Mike Bird reported the NUTSEA account is at \$47,671.40. This does not include 2005 conference expenditures or all revenues.

IV. Hard Hat donations totaled \$747

V. NRECA report-Jon Glazier provided an overview of the National Regulatory Hours of Service rule exemption and OSHA proposed changes. Glazier said that NRECA has formed an electrical task force to review the ruling. About 44 people have volunteered to serve on the task force. Glazier announced that thanks to FEMA Mutual Aid Agreements, 22 states have sent crews to Mississippi and Louisiana to assist with hurricane relief efforts. The FEMA agreements allows utilities to be reimbursed from FEMA. NRECA can send copies if needed. He reminded the group how important it is to keep good documentation. Glazier also asked that if anyone would like to be added to the Safety Sentinel newsletter email list, that they should give him their email address.

VI. Old Business-there was no old business

VII. Franklin adjourned the session until Thursday, September 29<sup>th</sup> at 8:00am

## **NUTSEA Business Meeting**

**September 29, 2005\*\* 8:00 a.m.**

### **Hilton Anchorage-Anchorage, Alaska**

I. Newly elected Chairman, Jerry Franklin opened the meeting and officially took control of the gavel in Ken Guffey's absence.

II. Tom Johnston, Alaska Power Association thanked the group for attending the 63<sup>rd</sup> Annual Conference.

III. 2006 Host State- a video was shown depicting downtown Oklahoma City and local attractions. The 2006 Annual Conference will be the week of September 25, 2006 at the Renaissance Oklahoma City Convention Center Hotel.

IV. Request for Hosts for future NUTSEA Conference- there was discussion on possible dates and location for future NUTSEA conference. There were no volunteers to host.

V. New Business

a. Dennis Corcoran requested volunteers to serve on the Internet Committee.

b. There was a motion to increase the Hard Hat donation from \$747 to \$1000 using NUTSEA funds. After discussion on distribution, the motion to donate \$1000 to Mississippi and Louisiana coops and statewides to distribute to those in need was seconded and passed.

c. Ron Jones addressed the membership on his impending retirement and thanked everyone for their hard work.

VI. Closing Announcements-Jerry Franklin thanked everyone for their participation and commitment to the organization. He then handed out the final door prizes.

VII. Adjourn-there was a motion to adjourn the 63<sup>rd</sup> Annual Conference. Motion was seconded and passed. Meeting was adjourned at 8:45 am.